

## REMARKS

Claims 1 - 17 are presently pending. In the above-identified Office Action, the Examiner rejected the Claims under 35 U.S.C. § 103(a) as being unpatentable over Anderson (U. S. Patent 5,857,156) in view of Matsuura (U. S. Patent 6,075,568).

By this Amendment, Applicant has amended the Claims to more clearly present the patentably distinct features thereof. For the reasons set forth more fully below, reconsideration, allowance and passage to issue are respectfully requested.

The subject invention addresses the need in the art for an inexpensive system and method for distributing music, information and other content on physical storage media per the desires of a consumer or other end user in a legal manner that does not violate the rights of the content providers and/or artists.

In accordance with the invention, program content and data relating thereto are first transmitted to a consumer via a wireless network. In the specific illustrative embodiment, the wireless network is a satellite and terrestrial radio network. The user is provided with a receiver capable of receiving the wireless transmission and providing an audio and/or visual output in response thereto. In addition, the receiver is adapted to receive an input from the user by which the user is able to signal an interest in purchasing a selection of music or data being played and/or displayed. In the illustrative embodiment, in response to this signal from the user and a record-ability flag transmitted in response to input from a content provider, an ID signal is stored on a removable media which identifies the selection being played and/or displayed. The ID signal may be a composite signal indicating the time and channel, a signal that identifies a selection by number, or other suitable ID signal. The receiver or the user's home computer may be used to display the title, artist and/or other information based on the user's selections.

The system includes a mechanism for allowing the user to retrieve the desired selection from a second network using the removable media. Several alternatives are provided for the retrieval mechanism. In one embodiment, the retrieval mechanism is a computer, located either in the user's home or in a commercial establishment, through

which the user is allowed to access a web site on the World Wide Web or a site on a private distribution hub. In either case, the site provides interface software which translates the ID signal into a human readable identification (e.g., title and artist) of the music or data selected. In an alternative embodiment, the computer is provided in a kiosk accessible to the public.

The user then either downloads the desired selection through the site or places an order for delivery of physical media (e.g., a CD) on which the desired selection is stored.

The invention is set forth in Claims of varying scope of which Claim 1, as amended, is illustrative. Claim 1 now recites:

1. A system for distributing program content comprising:  
first means for **transmitting said program content and data relating thereto** using a first network, said first network being a wireless network;  
second means for receiving said program content and data relating thereto;  
third means for receiving user input; and  
fourth means for **storing said data in response to said user input**.  
(Emphasis added.)

None of the references, including those cited but not applied, teaches, discloses or suggests a system for distributing program content having a means for transmitting the program content and data relating thereto via a wireless network and for storing the data in response to a user input.

In the above-identified Office Action, the Examiner suggests that the invention was obvious in view of the combination of Anderson and Matsuura. Anderson purports to show a personal intercommunication purchase and fulfillment system. The Examiner suggests that Anderson shows the invention as claimed with the exception that Anderson does not disclose a means for storing a signal identifying the data in response to user input or means for disabling the storing means in response to a nonrecord-ability signal.

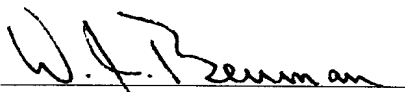
The Examiner asserts that the shortcomings of Anderson are overcome by the teachings of Matsuura. Matsuura purports to disclose an apparatus for storing URL information transmitted via a vertical blanking interval of a television signal. However, Matsuura does not: 1) teach a storage of **data relating to program content**; 2) provide

for a storage of this signal **in response to user input**; nor 3) provide a nonrecord-ability signal. Accordingly, the combined teachings of Anderson and Matsuura would still fall short of teaching the invention as presently claimed.

In accordance with the teachings of the subject Application, the provision of a selectively enabled capability to selectively record data relating to program content allows a user to identify selections for which the user would like to receive the program content on a storage medium. Clearly, this capability is not provided by the combined teachings of Anderson and Matsuura.

The remaining references have been considered. None of the references, including those cited but not applied, taken alone or in combination, teaches, discloses or suggests the invention as presently claimed. Reconsideration, allowance and passage to issue are therefore respectfully requested.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claims 1, 2, 6, 12, 13, 16 and 17 have been amended as follows:

1. (Amended) A system for distributing ~~music and data~~ program content comprising:

first means for transmitting said ~~data~~ program content and data relating thereto using a first network, said first network being a wireless network;

second means for receiving said ~~transmitting data~~ program content and data relating thereto;

third means for receiving user input; and

fourth means for storing ~~a signal identifying~~ said data in response to said user input.

2. (Amended) The invention of Claim 1 further including fifth means, responsive to said stored ~~signal data~~, for retrieving said ~~data~~ program content or information relating thereto from a second network.

6. (Amended) The invention of Claim 1 wherein said ~~data~~ program content includes a plurality of music selections.

12. (Amended) The invention of Claim 1 further including means for selectively displaying information relating to said ~~signal identifying said data~~.

13. (Amended) A system ~~for recording data~~ comprising:

a satellite radio transmitter for transmitting said ~~data~~ program content and data relating thereto;

a receiver for receiving said ~~transmitting data~~ program content and data relating thereto;

means for receiving user input;

a removable electronic storage medium for storing ~~a signal identifying~~ said data in response to said user input; and

a computer, responsive to said stored ~~signal data~~, for retrieving ~~said data~~ said program content or information relating thereto from the Internet or World Wide Web.

16. (Amended) A system ~~for distributing music and data~~ comprising:

first means for transmitting ~~said data~~ program content and data relating thereto using a first network, said first network being a wireless network;

second means for receiving said ~~transmitting data~~ program content and data relating thereto;

third means for receiving user input;

fourth means for storing ~~a signal identifying~~ said data in response to said user input; and

fifth means for selectively disabling said fourth means in response to a nonrecording ability signal.

17. (Amended) A method for recording data including the steps of:

transmitting ~~said data~~ program content and data relating thereto using a first network, said first network being a wireless network;

receiving said ~~transmitting data~~ program content and data relating thereto;

receiving user input;

storing ~~a signal identifying~~ said data in response to said user input; and

retrieving ~~said data~~ said program content or information relating thereto from a second network in response to said stored signal.